



February 1, 2005

HOUSE BILL No. 1077

DIGEST OF HB 1077 (Updated January 26, 2005 12:36 pm - DI 52)

Citations Affected: IC 14-8; IC 14-19.

Synopsis: County option surcharges on state park fees. Allows a county containing a state park, forest, game preserve, recreation area, or reservoir to impose a surcharge on fees collected within the park or other area. Requires that proceeds of the surcharge be used to assist a unit of local government that provides police protection, fire protection, emergency medical services, or road repairs to the park or other area. Provides that the surcharge may not be collected on property owned by the United States Army Corps of Engineers unless approved by the Army Corps of Engineers.

Effective: July 1, 2005.

Hoffman, Bischoff

January 6, 2005, read first time and referred to Committee on Natural Resources.
January 31, 2005, reported — Do Pass; referred to Committee on Ways and Means pursuant to House Rule 127.

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HB 1077—LS 6774/DI 77+



February 1, 2005

First Regular Session 114th General Assembly (2005)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2004 Regular Session of the General Assembly.

HOUSE BILL No. 1077

A BILL FOR AN ACT to amend the Indiana Code concerning natural and cultural resources.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 14-8-2-7.5 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 7.5. "Annual pass", for
3 ~~the~~ purposes of **IC 14-8-2-87.8 and** IC 14-19-3-5, has the meaning set
4 forth in IC 14-19-3-5(a).

5 SECTION 2. IC 14-8-2-87.8 IS ADDED TO THE INDIANA CODE
6 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
7 1, 2005]: **Sec. 87.8. (a) "Fees", for purposes of IC 14-19-3-6, means**
8 **fees that are paid upon or after entering a state forest, game**
9 **preserve, park, recreation area, or reservoir.**

10 **(b) The term includes:**

11 **(1) entrance or admission fees;**
12 **(2) rental fees, including fees for campsites and shelters; and**
13 **(3) the fee for an annual pass or a Golden Hoosier Passport**
14 **purchased at a state forest, game preserve, park, recreation**
15 **area, or reservoir.**

16 **(c) The term does not include amounts paid for food, lodging, or**
17 **gift shop purchases at a state park inn or other facility operated by**

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1 **a contractual vendor.**

2 SECTION 3. IC 14-8-2-289 IS AMENDED TO READ AS
3 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 289. "Unit of local
4 government":

5 (1) for purposes of IC 14-12-1, has the meaning set forth in
6 IC 14-12-1-3; and

7 (2) for purposes of **IC 14-19-3** and IC 14-22-10, means a:

8 (A) county;

9 (B) city;

10 (C) town; or

11 (D) township;

12 located in Indiana.

13 SECTION 4. IC 14-19-3-6 IS ADDED TO THE INDIANA CODE
14 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
15 1, 2005]: **Sec. 6. (a) This section applies to a county containing all
16 or part of a state forest, game preserve, park, recreation area, or
17 reservoir under the jurisdiction of the department.**

18 **(b) The fiscal body of a county described in subsection (a) may
19 adopt an ordinance to impose a surcharge on all fees collected by
20 the department within the state forest, game preserve, park,
21 recreation area, or reservoir.**

22 **(c) If a county fiscal body adopts an ordinance under this
23 section:**

24 **(1) the county fiscal body shall notify the director of the
25 department; and**

26 **(2) the department shall report the surcharge collected under
27 the ordinance on forms approved by the county treasurer.**

28 **(d) The rate of surcharge imposed under this section is five
29 percent (5%) of the gross income derived from fees collected by the
30 department within the state forest, game preserve, park, recreation
31 area, or reservoir.**

32 **(e) The department shall begin collecting a surcharge not later
33 than sixty (60) days after the department receives notice from the
34 county fiscal body that the county fiscal body has adopted an
35 ordinance under this section. The department shall pay the
36 surcharge collected during a month to the county treasurer not
37 later than the last day of the following month.**

38 **(f) If a state forest, game preserve, park, recreation area, or
39 reservoir is located in two (2) or more counties, the following
40 apply:**

41 **(1) The total surcharge on fees collected by the department
42 within the state forest, game preserve, park, recreation area,**

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or reservoir is five percent (5%) of the gross income derived from fees collected by the department in the state forest, game preserve, park, recreation area, or reservoir.

(2) If only one (1) county adopts an ordinance under this section, all the surcharge proceeds shall be distributed to that county.

(3) If more than one (1) county adopts an ordinance under this section, the department shall apportion the proceeds of the surcharge among the adopting counties. The share of each adopting county shall be based on the ratio of the area of the state forest, game preserve, park, recreation area, or reservoir contained within the adopting county, as determined by the department, to the total area of the state forest, game preserve, park, recreation area, or reservoir.

A county must adopt an ordinance under this section to receive proceeds of the surcharge.

(g) The surcharge proceeds collected by the department and paid to the county treasurer shall be used in accordance with the ordinance adopted under this section to assist a unit of local government that provides:

- (1) police protection;
- (2) fire protection;
- (3) services of emergency medical technicians; or
- (4) road repairs;

to the state forest, game preserve, park, recreation area, or reservoir under the jurisdiction of the department.

(h) The surcharge allowed by this section applies only to gross income derived from fees collected by the department within the state forest, game preserve, park, recreation area, or reservoir and is in addition to any applicable tax.

(i) If the department maintains and operates a state forest, game preserve, park, recreation area, or reservoir under a lease arrangement with the United States Army Corps of Engineers, the department may not collect a surcharge on fees collected within the state forest, game preserve, park, recreation area, or reservoir under this section unless the collection of the surcharge has been approved by the United States Army Corps of Engineers.

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Natural Resources, to which was referred House Bill 1077, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

HOFFMAN, Chair

Committee Vote: yeas 10, nays 1.

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